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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DARRYL ROBINSON, DERRICK PENN, TERRANCE
ALLEN and PATRICK LAURENT, individually and on
behalf of others similarly situated,

Case No.: 16-cv-6152

Plaintiffs,

ANSWER

-against-

TOP OF THE LINE BROOKLYN, INC. d/b/a TIP TOP
CAR WASH, TOP OF THE LINE ONE, INC. d/b/a TIP
TOP CAR WASH, TOP OF THE LINE CAR WASH, INC.
d/b/a TIP TOP CAR WASH, SIGNATURE INVESTMENT
GROUP d/b/a SIG, MORVARY LLC, MANNY SHURKA,
and MICHAEL AYNGORN a/k/a MICHAEL AIINGORN,
jointly and severally,

Defendants.

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ANSWER

The Defendants TOP OF THE LINE BROOKLYN, INC. d/b/a TIP TOP CAR WASH,
TOP OF THE LINE ONE, INC. d/b/a TIP TOP CAR WASH, TOP OF THE LINE CAR WASH,
INC. d/b/a TIP TOP CAR WASH, and MICHAEL AYNGORN a/k/a MICHAEL AIINGORN,
(hereinafter referred to as the “Defendants”), by and through their attorneys, STEPHEN D.
HANS AND ASSOCIATES, P.C., as and for their Answer to the Amended Class & Collective
Action Complaint dated and filed in this action on August 9, 2016 (the “Complaint”) by the
plaintiffs DARRYL ROBINSON, DERRICK PENN, TERRANCE ALLEN and PATRICK
LAURENT (hereinafter referred to as the “Plaintiffs”) respond and allege as follows:

**AS AND FOR AN ANSWER TO PLAINTIFFS' STATEMENTS
REGARDING "NATURE OF THE ACTION"**

1. With respect to the allegations contained in Paragraph 1 of the Complaint, the Defendants denies all of the allegations contained in such Paragraph except Defendants admit said relief as set forth is sought herein.

2. With respect to the allegations contained in Paragraph 2 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph except admit Plaintiffs have styled such an action as stated.

**AS AND FOR AN ANSWER TO PLAINTIFFS' STATEMENTS
REGARDING "JURISDICTION AND VENUE"**

3. With respect to the allegations contained in Paragraph 3 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law to which no responsive pleading is required.

4. With respect to the allegations contained in Paragraph 4 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law to which no responsive pleading is required.

5. With respect to the allegations contained in Paragraph 5 of the Complaint the Defendants state that such allegations consist of statements and/or conclusions of law to which no responsive pleading is required.

**AS AND FOR AN ANSWER TO PLAINTIFFS' STATEMENTS
REGARDING "THE PARTIES"**

Plaintiffs

6. With respect to the allegations contained in Paragraph 6 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

7. With respect to the allegations contained in Paragraph 7 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

8. With respect to the allegations contained in Paragraph 8 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

9. With respect to the allegations contained in Paragraph 9 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

10. With respect to the allegations contained in Paragraph 10 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

11. With respect to the allegations contained in Paragraph 11 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law to which no responsive pleading is required.

Defendants

12. With respect to the allegations contained in Paragraph 12 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.

13. With respect to the allegations contained in Paragraph 13 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.

14. With respect to the allegations contained in Paragraph 14 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.

15. With respect to the allegations contained in Paragraph 15 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

16. With respect to the allegations contained in Paragraph 16 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

17. With respect to the allegations contained in Paragraph 17 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

18. With respect to the allegations contained in Paragraph 18 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.

19. With respect to the allegations contained in Paragraph 19 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

20. With respect to the allegations contained in Paragraph 20 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

21. With respect to the allegations contained in Paragraph 21 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law to which no responsive pleading is required.

22. With respect to the allegations contained in Paragraph 22 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law to which no responsive pleading is required.

23. With respect to the allegations contained in Paragraph 23 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law to which no responsive pleading is required.

24. With respect to the allegations contained in Paragraph 24 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

AS AND FOR AN ANSWER TO “FSLA COLLECTIVE ACTION CLAIMS”

25. With respect to the allegations contained in Paragraph 25 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

26. With respect to the allegations contained in Paragraph 26 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law to which no responsive pleading is required.

27. With respect to the allegations contained in Paragraph 27 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

AS AND FOR AN ANSWER TO “RULE 23 CLASS ALLEGATIONS”

28. With respect to the allegations contained in Paragraph 28 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law to which no responsive pleading is required but deny class eligibility.

The Class Members are readily ascertainable

29. With respect to the allegations contained in Paragraph 29 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

The Class Members are so numerous that joinder of all members is impracticable

30. With respect to the allegations contained in Paragraph 30 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

There are questions of law and fact common to the claims of Plaintiffs and the claims of the Class

31. With respect to the allegations contained in Paragraph 31 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

Plaintiffs' claims are typical of Class Members' claims

32. With respect to the allegations contained in Paragraph 32 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

Plaintiffs and their Attorneys will fairly and adequately represent the Class

33. With respect to the allegations contained in Paragraph 33 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

The questions of law and fact common to the Class predominate over any questions solely affecting the individual Class Members

34. With respect to the allegations contained in Paragraph 34 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

A Class Action is superior to other available methods for the fair and efficient adjudication of this litigation

35. With respect to the allegations contained in Paragraph 35 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

AS AND FOR AN ANSWER TO “FLSA RETALIATION”

36. With respect to the allegations contained in Paragraph 36 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law to which no responsive pleading is required.

37. With respect to the allegations contained in Paragraph 37 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

38. With respect to the allegations contained in Paragraph 38 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

39. With respect to the allegations contained in Paragraph 39 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

AS AND FOR AN ANSWER TO “NYLL RETALIATION”

40. With respect to the allegations contained in Paragraph 40 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph except the allegation is stated and styled as such.

41. With respect to the allegations contained in Paragraph 41 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

42. With respect to the allegations contained in Paragraph 42 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

43. With respect to the allegations contained in Paragraph 43 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

AS AND FOR AN ANSWER TO “STATEMENT OF FACTS”

Defendants’ Business

44. With respect to the allegations contained in Paragraph 44 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph
45. With respect to the allegations contained in Paragraph 45 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.
46. With respect to the allegations contained in Paragraph 46 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
47. With respect to the allegations contained in Paragraph 47 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
48. With respect to the allegations contained in Paragraph 48 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
49. With respect to the allegations contained in Paragraph 49 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
50. With respect to the allegations contained in Paragraph 50 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
51. With respect to the allegations contained in Paragraph 51 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

Plaintiffs' Work for Defendants

Plaintiff Robinson

52. With respect to the allegations contained in Paragraph 52 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

53. With respect to the allegations contained in Paragraph 53 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

54. With respect to the allegations contained in Paragraph 54 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

55. With respect to the allegations contained in Paragraph 55 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

56. With respect to the allegations contained in Paragraph 56 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

57. With respect to the allegations contained in Paragraph 57 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

58. With respect to the allegations contained in Paragraph 58 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

59. With respect to the allegations contained in Paragraph 59 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

Plaintiff Laurent

60. With respect to the allegations contained in Paragraph 60 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

61. With respect to the allegations contained in Paragraph 61 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

62. With respect to the allegations contained in Paragraph 62 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

63. With respect to the allegations contained in Paragraph 63 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

64. With respect to the allegations contained in Paragraph 64 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

65. With respect to the allegations contained in Paragraph 65 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

66. With respect to the allegations contained in Paragraph 66 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

Plaintiff Allen

67. With respect to the allegations contained in Paragraph 67 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

68. With respect to the allegations contained in Paragraph 68 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

69. With respect to the allegations contained in Paragraph 69 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

70. With respect to the allegations contained in Paragraph 70 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

71. With respect to the allegations contained in Paragraph 71 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

72. With respect to the allegations contained in Paragraph 72 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

73. With respect to the allegations contained in Paragraph 73 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

Plaintiff Penn

74. With respect to the allegations contained in Paragraph 74 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

75. With respect to the allegations contained in Paragraph 75 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

76. With respect to the allegations contained in Paragraph 76 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

77. With respect to the allegations contained in Paragraph 77 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

78. With respect to the allegations contained in Paragraph 78 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

79. With respect to the allegations contained in Paragraph 79 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

80. With respect to the allegations contained in Paragraph 80 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

81. With respect to the allegations contained in Paragraph 81 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

82. With respect to the allegations contained in Paragraph 82 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

83. With respect to the allegations contained in Paragraph 83 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

Defendants' Unlawful Corporate Policies

84. With respect to the allegations contained in Paragraph 84 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

85. With respect to the allegations contained in Paragraph 85 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

86. With respect to the allegations contained in Paragraph 86 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

87. With respect to the allegations contained in Paragraph 87 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

88. With respect to the allegations contained in Paragraph 88 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

89. With respect to the allegations contained in Paragraph 89 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

90. With respect to the allegations contained in Paragraph 90 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

AS AND FOR A FIRST CLAIM FOR RELIEF:
(FLSA Unpaid Minimum Wage, 29 U.S.C. §§ 201 *et seq.*,
Brought by Plaintiffs on Behalf of Themselves and the Collective Action Plaintiffs)

91. The Defendants repeat and reassert each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as though fully set forth herein.

92. With respect to the allegations contained in Paragraph 92 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law to which no responsive pleading is required.

93. With respect to the allegations contained in Paragraph 93 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law to which no responsive pleading is required.

94. With respect to the allegations contained in Paragraph 94 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

AS AND FOR A SECOND CLAIM FOR RELIEF:
(FLSA Unpaid Overtime, 29 U.S.C. §§ 201 *et seq.*,
Brought by Plaintiffs on Behalf of Themselves and the Collective Action Plaintiffs)

95. The Defendants repeat and reassert each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as though fully set forth herein.

96. With respect to the allegations contained in Paragraph 96 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law to which no responsive pleading is required.

97. With respect to the allegations contained in Paragraph 97 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law to which no responsive pleading is required.

98. With respect to the allegations contained in Paragraph 98 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

AS AND FOR A THIRD CLAIM FOR RELIEF:
(FLSA Unlawful Deductions, 29 U.S.C. §§ 201 *et seq.* and 29 CFR 531.35,
Brought by Plaintiffs on Behalf of Themselves and the Collective Action Plaintiffs)

99. The Defendants repeat and reassert each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as though fully set forth herein.

100. With respect to the allegations contained in Paragraph 100 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law to which no responsive pleading is required.

101. With respect to the allegations contained in Paragraph 101 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law to which no responsive pleading is required.

102. With respect to the allegations contained in Paragraph 102 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

AS AND FOR A FORTH CLAIM FOR RELIEF:
(FLSA Unlawful Deductions, 29 U.S.C. §§ 201 *et seq.* and 29 CFR 531.35,
Brought by Plaintiffs on Behalf of Themselves and the Collective Action Plaintiffs)

103. The Defendants repeat and reassert each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as though fully set forth herein.

104. With respect to the allegations contained in Paragraph 104 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law to which no responsive pleading is required.

105. With respect to the allegations contained in Paragraph 105 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

AS AND FOR A FIFTH CLAIM FOR RELIEF:
**(NYLL Unpaid Overtime, NYLL §§ 650 *et seq.*, Brought by Plaintiffs on
Behalf of Themselves and the Class Members)**

106. The Defendants repeat and reassert each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as though fully set forth herein.

107. With respect to the allegations contained in Paragraph 107 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law to which no responsive pleading is required.

108. With respect to the allegations contained in Paragraph 108 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

AS AND FOR A SIXTH CLAIM FOR RELIEF:
**(NYLL Spread-of-Hours, NYLL §§ 650 *et seq.* and 12 N.Y.C.R.R. §§ 142-2.4 and 146-1.6,
Brought by Plaintiffs on Behalf of Themselves and the Class Members)**

109. The Defendants repeat and reassert each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as though fully set forth herein.

110. With respect to the allegations contained in Paragraph 110 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

111. With respect to the allegations contained in Paragraph 111 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

AS AND FOR A SEVENTH CLAIM FOR RELIEF:
**(NYLL Unlawful Deductions, NYLL §§ 193 and 196(d),
Brought by Plaintiffs on Behalf of Themselves and the Class Members)**

112. The Defendants repeat and reassert each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as though fully set forth herein.

113. With respect to the allegations contained in Paragraph 113 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

114. With respect to the allegations contained in Paragraph 114 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

AS AND FOR AN EIGHTH CLAIM FOR RELIEF:
(NYLL Failure to Provide Wage Notice, NYLL §§ 195(1),
Brought by Plaintiffs on Behalf of Themselves and the Class Members)

115. The Defendants repeat and reassert each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as though fully set forth herein.

116. With respect to the allegations contained in Paragraph 116 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

117. With respect to the allegations contained in Paragraph 117 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

AS AND FOR A NINTH CLAIM FOR RELIEF:
(NYLL Failure to Provide Wage Statement, NYLL §§ 195(3),
Brought by Plaintiffs on Behalf of Themselves and the Class Members)

118. The Defendants repeat and reassert each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as though fully set forth herein.

119. With respect to the allegations contained in Paragraph 119 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

120. With respect to the allegations contained in Paragraph 120 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

AS AND FOR A TENTH CLAIM FOR RELIEF:
(FLSA Prohibition Against Retaliation, 29 U.S.C. §§ 215(a)(3),
Brought by Plaintiffs Individually and on Behalf of Themselves)

121. The Defendants repeat and reassert each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as though fully set forth herein.

122. With respect to the allegations contained in Paragraph 122 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

123. With respect to the allegations contained in Paragraph 123 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

AS AND FOR AN ELEVENTH CLAIM FOR RELIEF:
(NYLL Prohibition Against Retaliation, NYLL §§ 215,
Brought by Plaintiffs Individually and on Behalf of Themselves)

124. The Defendants repeat and reassert each and every one of the responses contained in the preceding paragraphs hereof with the same force and effect as though fully set forth herein.

125. With respect to the allegations contained in Paragraph 125 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

126. With respect to the allegations contained in Paragraph 126 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

AS AND FOR AN ANSWER TO
PLAINTIFFS' PRAYER FOR RELIEF

With respect to the allegations contained in Paragraphs (A) through (V) of the Complaint's prayer for relief, the Defendants deny that the Plaintiffs are entitled to any of the relief sought.

AFFIRMATIVE AND OTHER DEFENSES

The Defendants assert the following affirmative and other defenses without assuming any burden of production or proof that they would not otherwise have. The Defendants further assert that, to the extent that the Plaintiffs' claims as alleged are vague or unclear, so as to render it difficult or impossible to identify and assert every possible affirmative or other defense, the Defendants hereby expressly reserve their rights to assert additional defenses should further proceedings in this action, including the progress of any discovery, reveal that such additional defenses would be applicable and appropriate.

AS AND FOR A FIRST DEFENSE TO THE PLAINTIFF'S COMPLAINT

The statements and allegations contained in the Plaintiff's Complaint may fail to state any valid cause(s) of action upon which relief can be granted as a matter of fact and/or law, either on behalf of the Plaintiff or on behalf of those persons whom the Plaintiff may purport to represent.

AS AND FOR A SECOND DEFENSE TO THE PLAINTIFF'S COMPLAINT

The causes of action alleged in the Complaint may be barred, in whole or in part, by applicable statutes of limitation.

AS AND FOR A THIRD DEFENSE TO THE PLAINTIFF'S COMPLAINT

The causes of action alleged in the Complaint may not be maintained as a collective action under the Fair Labor Standards Act, 29 U.S.C. § 216, because the Plaintiff, upon information and belief, is not similarly situated to some or all of the persons whom he purports to represent.

AS AND FOR A FOURTH DEFENSE TO THE PLAINTIFF'S COMPLAINT

The statements and allegations contained in the Complaint fail to meet the requirements necessary to justify collective action certification or the issuance of collective action notice pursuant to 29 U.S.C. § 216 with respect to some or all of the employees alleged by the Plaintiff to be similarly situated to him.

AS AND FOR A FIFTH DEFENSE TO THE PLAINTIFF'S COMPLAINT

Subject to proof through discovery, some or all of the claims asserted by the Plaintiff and/or the putative class members may be barred in whole or in part by the doctrine of unclean hands.

AS AND FOR A SIXTH DEFENSE TO THE PLAINTIFF'S COMPLAINT

Subject to proof through discovery, some or all of the claims asserted by the Plaintiff and/or the putative class members may be barred in whole or in part by the doctrine of estoppel, quasi-estoppel, and/or equitable estoppel.

AS AND FOR A SEVENTH DEFENSE TO THE PLAINTIFF'S COMPLAINT

Subject to proof through discovery, some or all of the claims asserted by the Plaintiff and/or the putative class members may be barred in whole or in part by the doctrines of laches and/or waiver.

AS AND FOR AN EIGHTH DEFENSE TO THE PLAINTIFF'S COMPLAINT

The Defendants state, in the alternative if necessary, that their actions or omissions with respect to the Plaintiff and/or putative collective action members were taken in good faith, with reasonable belief that such conduct comported with the requirements of federal and state law.

AS AND FOR A NINTH DEFENSE TO THE PLAINTIFF'S COMPLAINT

Some or all of the Defendants are not proper parties to some or all of the claims asserted in the Complaint.

AS AND FOR A TENTH DEFENSE TO THE PLAINTIFF'S COMPLAINT

The Plaintiff's and/or putative class members' claims may be barred, in whole or in part, because some of the Defendants were not the Plaintiff's and/or putative collective action members' "employer" as such term may be defined under applicable federal or state laws and regulations.

AS AND FOR AN ELEVENTH DEFENSE TO THE PLAINTIFF'S COMPLAINT

The Defendants state, in the alternative if necessary, that if they are found to have violated any law or regulation, that any such violation was not willful.

AS AND FOR A TWELFTH DEFENSE TO THE PLAINTIFF'S COMPLAINT

The Plaintiff's claims, and the claims of any putative collective and/or class action members may be barred, in whole or in part, by the *de minimis* doctrine.

AS AND FOR A THIRTEENTH DEFENSE TO THE PLAINTIFF'S COMPLAINT

This Court should decline to exercise supplemental jurisdiction over the Plaintiff's claims that purport to arise under the New York Labor Law and supporting regulations.

RESERVATION OF RIGHTS TO ASSERT ADDITIONAL DEFENSES

The Defendants state that they currently have insufficient knowledge or information on which to form a belief as to whether they may have additional, as yet unstated, defenses available. As such, the Defendants expressly reserve the right to assert additional defenses, and to seek to amend this Answer to include any such additional defenses, in the event that discovery indicates that any such additional defenses would be appropriate

WHEREFORE, the Defendants respectfully request that judgment be entered by this Court dismissing any claims in the Complaint that are deemed by the Court to be lacking in merit, with prejudice, and granting such further relief as may be just and proper.

Dated: Long Island City, New York
August 30, 2016

STEPHEN D. HANS & ASSOCIATES, P.C.

By: _____ /s/

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Attorneys for the Defendants

*TOP OF THE LINE BROOKLYN, INC.
d/b/a TIP TOP CAR WASH, TOP OF THE
LINE ONE, INC. d/b/a TIP TOP CAR
WASH, TOP OF THE LINE CAR WASH,
INC. d/b/a TIP TOP CAR WASH, and
MICHAEL AYNGORN a/k/a MICHAEL
AIINGORN*